

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Khari Varner, Tera Strawter, J.K.V., K-L.V.V., N.S.V., and K.T.V.,

Case No. 2:24-cv-00537-JAD-DJA

Plaintiffs,

Report and Recommendation

V.

Sawnte Strawter; et al.,

Defendants.

On May 17, 2024, the Court dismissed Plaintiff Khari Varner's amended complaint and gave her until June 17, 2024, to file an amended complaint. (ECF No. 12). The Court also explained that “[i]f Varner amends the complaint and chooses to include Tera Strawter and the minor children as plaintiffs to the action, Tera Strawter must file an accompanying application to proceed *in forma pauperis* and the minor children must appear through counsel.” (*Id.*). The Court further explained that “[f]ailure to timely comply with this order may result in a recommendation to the district judge that this case be dismissed.” (*Id.*). To date, Plaintiffs have not filed anything further in this action.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142

1 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file
2 objections within the specified time and (2) failure to properly address and brief the objectionable
3 issues waives the right to appeal the District Court's order and/or appeal factual issues from the
4 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
5 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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DATED: August 30, 2024

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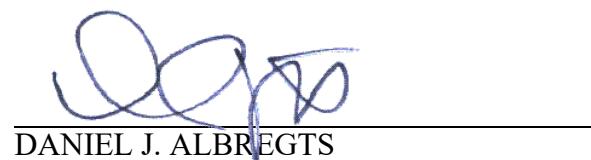
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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE